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2D SESSION

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

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OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

Read twice and referred to the Committee on Foreign Relations

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## AN ACT

To improve defense cooperation between the Republic of  
Korea and the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “United States-Republic  
3 of Korea Defense Cooperation Improvement Act of 2008”.

4 **SEC. 2. FINDINGS.**

5       Congress makes the following findings:

6           (1) Close and continuing cooperation in defense  
7 between the United States and the Republic of  
8 Korea continues to be in the national security inter-  
9 est of the United States.

10          (2) The Republic of Korea was designated a  
11 Major Non-NATO Ally in 1987, the first such des-  
12 ignation.

13          (3) The Republic of Korea has been a major  
14 purchaser of United States defense articles and serv-  
15 ices through the Foreign Military Sales (FMS) pro-  
16 gram, totaling \$6,900,000,000 in deliveries over the  
17 last 10 years.

18          (4) Purchases of United States defense articles,  
19 services, and major defense equipment facilitate and  
20 increase the interoperability of Republic of Korea  
21 military forces with United States military forces.

22          (5) Congress has previously enacted important,  
23 special defense cooperation arrangements for the Re-  
24 public of Korea, as in the Act entitled “An Act to  
25 authorize the transfer of items in the War Reserves  
26 Stockpile for Allies, Korea”, approved December 30,

1       2005 (Public Law 109–159), which authorized the  
2       President, notwithstanding section 514 of the For-  
3       eign Assistance Act of 1961 (22 U.S.C. 2321h), to  
4       transfer to the Republic of Korea certain defense  
5       items to be included in a war reserve stockpile for  
6       that country.

7               (6) Such actions by Congress and sales to the  
8       Republic of Korea enhance defense ties with that  
9       country and ensure favorable consideration by the  
10      Government of the Republic of Korea when it con-  
11      siders acquisitions of certain weapons systems.

12             (7) Enhanced support for defense cooperation  
13      with the Republic of Korea is important to the na-  
14      tional security of the United States, including  
15      through creation of a status in law for the Republic  
16      of Korea similar to the countries in the North Atlan-  
17      tic Treaty Organization, Japan, Australia, and New  
18      Zealand, with respect to consideration by Congress  
19      of foreign military sales to the Republic of Korea.

20   **SEC. 3. SENSE OF CONGRESS.**

21       It is the sense of Congress that expeditious consider-  
22      ation of certifications of letters of offer to sell defense arti-  
23      cles, defense services, design and construction services,  
24      and major defense equipment to the Republic of Korea  
25      under section 36(b) of the Arms Export Control Act (22

1 U.S.C. 2776(b)) is fully consistent with United States se-  
2 curity and foreign policy interests and the objectives of  
3 world peace and security.

4 **SEC. 4. AMENDMENTS TO ARMS EXPORT CONTROL ACT.**

5 The Arms Export Control Act (22 U.S.C. 2751 et  
6 seq.) is amended—

7 (1) in section 3 (22 U.S.C. 2753)—

8 (A) in subsection (b)(2), by inserting “the  
9 Government of the Republic of Korea,” before  
10 “the Government of Australia”; and

11 (B) in subsection (d)—

12 (i) in paragraph (2)(B), by inserting  
13 “the Republic of Korea,” before “Japan”;

14 (ii) in paragraph (3)(A)(i), by insert-  
15 ing “the Republic of Korea,” before “Aus-  
16 tralia”; and

17 (iii) in paragraph (5), by inserting  
18 “the Republic of Korea,” before “Aus-  
19 tralia”;

20 (2) in section 21 (22 U.S.C. 2761)—

21 (A) in subsection (e)(2)(A), by inserting  
22 “the Republic of Korea,” before “Japan”; and

23 (B) in subsection (h)—

1 (i) in paragraph (1)(A), by inserting  
2 “the Republic of Korea,” before “Aus-  
3 tralia”; and

4 (ii) in paragraph (2), by striking “or  
5 to any member government of that Organi-  
6 zation if that Organization or member gov-  
7 ernment” and inserting “, to any member  
8 government of that Organization, or to the  
9 Governments of the Republic of Korea,  
10 Australia, New Zealand, Japan, or Israel if  
11 that Organization, member government, or  
12 the Governments of the Republic of Korea,  
13 Australia, New Zealand, Japan, or Israel”;

14 (3) in section 36 (22 U.S.C. 2776)—

15 (A) in subsection (b)—

16 (i) in paragraph (1), by inserting “the  
17 Republic of Korea,” before “Japan”;

18 (ii) in paragraph (2), by inserting  
19 “the Republic of Korea,” before “Japan”;  
20 and

21 (iii) in paragraph (6), by inserting  
22 “the Republic of Korea,” before “Aus-  
23 tralia”;

1 (B) in subsection (c), by inserting “the Re-  
 2 public of Korea,” before “Australia” both  
 3 places it appears; and

4 (C) in subsection (d)(2)(A), by inserting  
 5 “the Republic of Korea,” before “Australia”;

6 (4) in section 62(c)(1) (22 U.S.C. 2796a(c)(1)),  
 7 by inserting “the Republic of Korea,” before “Aus-  
 8 tralia”; and

9 (5) in section 63(a)(2) (22 U.S.C.  
 10 2796b(a)(2)), by inserting “the Republic of Korea,”  
 11 before “Australia”.

12 **SEC. 5. AMENDMENT TO FOREIGN ASSISTANCE ACT OF**  
 13 **1961.**

14 Section 656(a)(2) of the Foreign Assistance Act of  
 15 1961 (22 U.S.C. 2416(a)(2)) by inserting “Republic of  
 16 Korea,” before “Australia”.

Passed the House of Representatives September 23,  
 2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*